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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,859	09/06/2001	Bronwyn Jean Battersby	21415-0005	4713
26633	7590	04/07/2004	EXAMINER	
HELLER EHRLMAN WHITE & MCAULIFFE LLP 1666 K STREET,NW SUITE 300 WASHINGTON, DC 20006			EPPERSON, JON D	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/856,859	BATTERSBY ET AL.	
	<b>Examiner</b> Jon D Epperson	<b>Art Unit</b> 1639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 January 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-62 is/are pending in the application.  
 4a) Of the above claim(s) 1-14 and 30-62 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 15-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Status of the Application***

1. The Response filed January 15, 2004 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Status of the Claims***

3. Claims 1-62 were pending. No claims were added, amended or canceled. Therefore, claims 1-62 are still pending.
4. Claims 1-14 and 30-62 are drawn to non-elected species and/or inventions and thus these claims remain withdrawn from further consideration by the examiner, 37 CFR 1.142(b), there being no allowable generic claim.
5. Therefore, claims 15-29 are examined on the merits in this action.
6. This application contains claims 1-14 and 30-62 drawn to a nonelected invention(s). This was addressed in the previous action (e.g., see Paper No. 9). A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

**Outstanding Objections and/or Rejections**

***Objection to Specification – Maintained***

7. The abstract is missing. See MPEP § 608.01.

***35 U.S.C. 102 - Maintained***

8. Claims 15-25, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Dower et al. (U.S. Patent 5,708,153).

For *claims 15-16*, Dower et al. (see entire document) disclose synthetic oligomer libraries that incorporate identifier tags (e.g., see Dower et al., column 7, lines 57-67 to column 8, lines 1-7; see especially figure 2). Dower et al. disclose apportioning the supports (carriers) among a plurality of reaction vessels; exposing the supports in each reaction vessel to a first oligomer monomer and to a first identifier tag (reporter) monomer; pooling the supports; exposing the supports to a second oligomer monomer and to a second identifier tag monomer; exposing the supports to a second oligomer monomer and to a second identifier tag monomer (i.e., using split-mix technology). The identifier tag may be attached by means of a linker (physical or chemical attachment) that has an appropriate functional group at each end, one for the attachment to the support and the other for the attachment to the identifier tag (see column 7, lines 50-54). The identifier tag may be any recognizable feature such as microscopically distinguishable in shape, size, color (reads on electromagnetic radiation-related), or optical density, which reads on Applicants limitation “characterized by at least two detectable and/or

quantifiable attributes associated with the carrier, with the proviso that one of said attributes is other than shape" (see column 4, lines 24-36). Two or more distinctly different populations of solid support may be used. Here, one of the attributes is fluorescence or color and the other is shape (Please note that Applicants claims do NOT rule out using shape as a limitation, they only rule out that ONE of the attributes cannot be shape while the other attribute can).

For example, before the "AAA" oligomer is synthesized in figure 2 (e.g., see last pool wherein an A monomer was coupled to an AA dimer), the beads encoding the dimers (e.g., AA, AB, AC, etc.) are each labeled with two detectable tags and/or indicia (e.g., A2/A1, A2/B1, A2/C1, etc.) that distinctively identifies each of the carriers. Thus, "before" the synthesis of the AAA oligomer, each of the carriers are distinctively identified by a code that is derived from at least two detectable and/or quantifiable attributes (e.g., A2/A1, A2/B1, A2/C1, etc.) as required by claim 15. Likewise, "during" and "after" the synthesis is also anticipated because the beads still contain "at least two" detectable and/or quantifiable attributes integrally associated with the carrier (i.e., the tags are not removed during the course of synthesis) that were used to distinctively identify the respective carriers (e.g., A3/A2/A2, A3/A2/B1, A3/A2/C1, etc. distinctively labeled AAA, AAB, AAC, etc.). Please note that Applicants' claims do not state that all of the attributes have to be present before the synthesis of the compound in question, only that "at least two" are present and that the carriers can be distinguished both before and after the synthesis.

For **claims 17-19, 21**, Dower et al. disclose “fluorescent tags” including Applicants’ elected species fluorescein isothiocyanate (see column 17, lines 35-36; see column 19, line 30).

For **claim 20**, Dower et al. disclose size, shape and fluorescence, which would read on Applicants three detectable and/or quantifiable attributes.

For **claim 22**, Dower et al. disclose “colloidal” carrier particles (see column 10, line 49).

For **claim 23**, Dower et al. disclose different shapes including “spherical” (see column 6, line 56).

For **claim 24**, Dower et al. disclose “pellets” (see column 6, line 53).

For **claim 25**, Dower et al. disclose carriers with “different sizes” (see column 13, line 32; see also column 4, line 30).

For **claim 27**, Dower et al. disclose “silica” beads (see column 18, line 16).

For **claim 29**, Dower et al. disclose amines and thiols (see column 12, line 47).

### ***Response***

9. Applicant’s arguments directed to the above 35 U.S.C. § 102 rejection were fully considered (and are incorporated in their entirety herein by reference) but were not deemed persuasive for the following reasons. Please note that the above rejection has been modified from its original version to more clearly address applicants’ newly amended and/or added claims and/or arguments.

[1] Applicants argue, “the population of detectably distinct carriers has ‘pre-encoded’ information in the form of at least two detectable and/or quantifiable attributes integrally associated with individual carriers ... Dower et al. do not disclose carriers with pre-encoded information” (e.g., see 1/15/2004 Response, pages 2-3).

[2] Applicants argue, “the carriers of the claimed invention contain the detectable and/or quantifiable attributes prior to the synthesis steps and retain those attributes during the synthesis steps and thereafter, allowing the individual particles to be tracked throughout the synthetic process. In contrast, Dower et al. disclose the sequential attachment of identifier tags at different steps in the synthetic reaction history of a solid support to identify the oligomer resulting from the synthesis” (e.g., see 1/15/2004 Response, page 2).

[3] Applicants argue, “Dower et al. merely disclose the use of flow cytometry as a means to analyze the fluorescent tags attached to individual supports at the completion of compound synthesis. Accordingly, Dower et al. do not anticipate claim 15” (e.g., see 1/15/2004 Response, page 3).

This is not found persuasive for the following reasons:

[1] In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (e.g., “pre-encoded”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

[2] In response to applicant's argument that the prior art must anticipate Applicants' intended use claim language (i.e., the carriers are being used as solid-supports/codes for organic

synthesis reactions wherein the tags can be identified “before, during and after” said synthesis), the Examiner contends that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Here, Dower et al. disclose carriers that have the same structural features as that disclosed by Applicants (e.g., see figure 2 wherein carriers with at least two detectable and/or quantifiable attributes are integrally associated with the carrier) and also disclose carriers that are capable of performing the intended use (e.g., see figure 2 wherein the carriers are shown to be used in the synthesis of oligomers).

Alternatively, the Examiner contends that even if *assuming arguendo* that the intended use claim language is to be given patentable weight Dower et al. would still anticipate the claimed invention. For example, before the “AAA” oligomer is synthesized in figure 2 (e.g., see last pool wherein an A monomer was coupled to an AA dimer), the beads encoding the dimers (e.g., AA, AB, AC, etc.) are each labeled with two detectable tags and/or indicia (e.g., A2/A1, A2/B1, A2/C1, etc.) that distinctively identifies each of the carriers. Thus, “before” the synthesis of the AAA oligomer, each of the carriers are distinctively identified by a code that is derived from at least two detectable and/or quantifiable attributes (e.g., A2/A1, A2/B1, A2/C1, etc.) as required by claim 15. Likewise, “during” and “after” the synthesis is also anticipated because the beads still contain “at least two” detectable and/or quantifiable attributes integrally associated

with the carrier (i.e., the tags are not removed during the course of synthesis). Furthermore, these tags were used to distinctively identify the respective carriers (e.g., A3/A2/A2, A3/A2/B1, A3/A2/C1 distinctively identifies AAA, AAB, AAC, respectively). Please note that Applicants' claims do not state that all of the attributes have to be present before the synthesis of the compound in question, only that "at least two" are present and that the carriers can be distinguished both before and after the synthesis. Thus, Applicants claims do not preclude the "sequential attachment" of identifier tags as purported by Applicants (e.g., see 1/15/2004 Response, page 2, last paragraph).

Finally, the Examiner contends that Applicants arguments are not commensurate in scope with the claims. The claims only state that compounds "can" be synthesized on the carriers, which would leave open the possibility that no compounds are synthesized on the carriers rendering this "before, during and after" argument moot.

[3] Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Here, Applicants state that Dower et al. disclose the use of flow cytometry but do not specifically point out how this disclosure distinguishes the reference from the claimed invention.

Accordingly, the 35 U.S.C. § 102(b) rejection cited above is hereby maintained.

10. Claims 15-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Zarling et al. (U.S. Patent 5,674,698).

For *claims 15-29*, Zarling et al. (see entire document) disclose compositions (i.e., libraries) comprising fluorescent organic dyes (reporters) attached to an inorganic up-converting phosphor (carrier, including ceramics) (e.g., see column 8, lines 8-22). Zarling disclose that the fluorescent organic dyes maybe adsorbed to the inorganic up-converting phosphor crystal and/or attached to a coated inorganic up-converting phosphor crystal (see column 18, lines 55-67 to column 19, lines 1-3; see also column 19, lines 62-66; see also figure 9). Several phophors/dyes are selected which have overlapping absorption bands which allows simultaneous excitation at one wavelength, but which vary in emission characteristics such that each probe-label species is endowed with a distinguishable fluorescent “fingerprint” (see column 7, lines 30-35), which reads on Applicants limitation for having at least two quantifiable attributes because more than one dye is being quantified. Furthermore, other quantifiable attributes in addition to the dyes would be size, shape, etc. (Please note that Applicants claims do NOT rule out using shape as a limitation, they only rule out that ONE of the attributes cannot be shape while the other attribute can).

*Response*

11. Applicant's arguments directed to the above 35 U.S.C. § 102 rejection were fully considered (and are incorporated in their entirety herein by reference) but were not deemed persuasive for the following reasons. Please note that the above rejection has been modified from it original version to more clearly address applicants' newly amended and/or added claims and/or arguments.

[1] Applicants argue, “The carriers of the claimed invention are pre-encoded with information that identifies individual carriers for use in combinatorial synthesis” (e.g., see 1/15/2004 Response, page 3, paragraph 3).

[2] Applicants argue, “Zarling merely uses phosphors as a label for the ‘sensitive detection of analytes,’ and therefore does not distinctly identify the respective carriers” (e.g., see 1/15/2004 Response, page 3, paragraph 3).

[3] Applicants argue that only claims 15-16 were addressed in the analysis (e.g., see 1/15/2004 Response, page 4, last line).

This is not found persuasive for the following reasons:

[1] In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (e.g., “pre-encoded”, “combinatorial synthesis”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

[2] Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Here, Applicants state that Zarling's disclosure of phosphors does not distinctly identify the respective carriers, but they do not specifically point out any rationale or evidence for this assertion. Furthermore, the Examiner contends that the carriers are distinctly identified as set forth in the newly amended rejection above.

[3] Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Furthermore, the Examiner contends that all the claim limitations were adequately addressed in the original rejection.

Accordingly, the 35 U.S.C. § 102(b) rejection cited above is hereby maintained.

12. Claims 15-25, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nova et al. (U.S. Patent 5,751,629).

For *claims 15-25, 27 and 29*, Nova et al. (see entire document) disclose “[c]ombinations, call matrices with memories, of matrix materials with remotely addressable or remotely programmable recording devices” for use in combinatorial chemistry (see Abstract). The “matrix” of Nova et al. reads on the instant “carrier”, see, for example, Nova et al. column 10, line 49 through column 11, line 20. The “memory” of Nova et al. reads on the instant “attributes” that are “detectable and/or quantifiable”, see, for example, column 11, line 33 through column 12, line 40 of the reference. Nova et al. specifically disclose electromagnetic tags in proximity to the matrix (column 12, lines 23-40 and 55-59). The “combinations” of Nova comprise the matrix in physical contact with the memory in a covalent or non-covalent fashion (see column 5, line 53 through column 6, line 29).

Also, the “matrices with memories” are additionally covalently or non-covalently bound to a molecule or biological particle (column 6, lines 31-40). The information in the memory of Nova identifies or tracks the biological particle or molecule (column 12, lines 60-67). Specific use o the “matrices with memories” in combinatorial chemistry is disclosed, for example, in column 7, line 47-67 and Figures 1-4.

For example, before the “A-C-E” oligomer is synthesized in figure 1 (e.g., see last pool wherein an E monomer was coupled to an A-C dimer), the beads encoding the dimers (e.g., A-C, B-C, A-D, B-D) are each labeled with two detectable tags and/or indicia (e.g., a-c, b-c, a-d, b-d) that distinctively identifies each of the carriers. Thus, “before” the synthesis of the A-C-E oligomer, each of the carriers are distinctively identified by a code that is derived from at least two detectable and/or quantifiable attributes (e.g., a-c, b-c, a-d, b-d) as required by claim 15. Likewise, “during” and “after” the synthesis is also anticipated because the beads still contain “at least two” detectable and/or quantifiable attributes integrally associated with the carrier (i.e., the tags are not removed during the course of synthesis). Furthermore, these tags were used to distinctively identify the respective carriers (e.g., a-c-e, b-c-e, a-d-e, b-d-e distinctively identifies A-C-E, B-C-E, A-D-E and B-D-E, respectively). Please note that Applicants’ claims do not state that all of the attributes have to be present before the synthesis of the compound in question, only that “at least two” are present and that the carriers can be distinguished both before and after the synthesis.

***Response***

13. Applicant's arguments directed to the above 35 U.S.C. § 102 rejection were fully considered (and are incorporated in their entirety herein by reference) but were not deemed persuasive for the following reasons. Please note that the above rejection has been modified from its original version to more clearly address applicants' newly amended and/or added claims and/or arguments.

[1] Applicants argue, again that Nova et al does not teach the "pre-encoded" step of the claimed invention because Nova et al. only teach encoding the carriers at "each step" in the synthesis (e.g., see 1/15/2004 Response, page 4, paragraph 2).

[2] Applicants argue that reasons for rejecting claims 16-25, 27 and 29 have not been set forth in the analysis.

This is not found persuasive for the following reasons:

[1] First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (e.g., "pre-encoded") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, in response to applicant's argument that the prior art must anticipate Applicants' intended use claim language (i.e., the carriers are being used for pre-encoding solid-phase synthesis reactions), the Examiner contends that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure

is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.

See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Here, Nova et al. disclose carriers that have the same structural features as that disclosed by Applicants (see column 5, line 53 through column 6, line 29) and also disclose carriers that are capable of performing the intended use (e.g., see abstract disclosing combinatorial synthesis).

Third, the Examiner contends that even if *assuming arguendo* that the intended use claim language is to be given patentable weight Nova et al. would still anticipate the claimed invention. For example, before the “A-C-E” oligomer is synthesized in figure 1 (e.g., see last pool wherein an E monomer was coupled to an A-C dimer), the beads encoding the dimers (e.g., A-C, B-C, A-D, B-D) are each labeled with two detectable tags and/or indicia (e.g., a-c, b-c, a-d, b-d) that distinctively identifies each of the carriers. Thus, “before” the synthesis of the A-C-E oligomer, each of the carriers are distinctively identified by a code that is derived from at least two detectable and/or quantifiable attributes (e.g., a-c, b-c, a-d, b-d) as required by claim 15. Likewise, “during” and “after” the synthesis is also anticipated because the beads still contain “at least two” detectable and/or quantifiable attributes integrally associated with the carrier (i.e., the tags are not removed during the course of synthesis). Furthermore, these tags were used to distinctively identify the respective carriers (e.g., a-c-e, b-c-e, a-d-e, b-d-e distinctively identifies A-C-E, B-C-E, A-D-E and B-D-E, respectively). Please note that Applicants’ claims do not state that all of the attributes have to be present before the synthesis of the compound in question, only that “at least two” are present and that the carriers can be distinguished both before and after the synthesis. Thus, Applicants claims do not preclude the “sequential attachment” of identifier tags

as purported by Applicants (e.g., see 1/15/2004 Response, page 3, paragraph 3). Furthermore, even if assuming arguendo that Applicants claims did not read on “sequential attachment”, the claims would still be anticipated because disclosing a particular example wherein “sequential attachment” has occurred does not obviate the broader scope of the Nova et al. patent i.e., the patent teaches the programming can occur before, during and after synthesis regardless of whether sequential attachment is used or not.

Finally, the Examiner contends that Applicants arguments are not commensurate in scope with the claims. The claims only state that compounds “can” be synthesized on the carriers, which would leave open the possibility that no compounds are synthesized on the carriers rendering this “before, during and after” argument moot.

[2] Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Here, Applicants contend that claims 16-25, 27 and 29 were not adequately rejected but they do not state why these claims were not adequately rejected. Furthermore, the Examiner contends that all the claim limitations were adequately addressed in the original rejection.

Accordingly, the 35 U.S.C. § 102(b) rejection cited above is hereby maintained.

### *Conclusion*

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon D Epperson whose telephone number is (571) 272-0808. The examiner can normally be reached Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-0811.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jon D. Epperson, Ph.D.

April 2, 2004

BENNETT CELCA  
PRIMARY EXAMINER

